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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,
10 v.
11 Javier Garcia-Hernandez,
12 Defendant.

MAGISTRATE NO. 08-7408M

**Order Granting Parties' Joint Motion
to Extend Time to Indict**

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14 HAVING considered the parties' Joint Motion for Extension of Time to Indict and good
15 cause having been shown;

16 THE COURT makes the following findings:

- 17 1. Counsel for defendant has only recently been appointed;
- 18 2. The defendant earnestly wishes to consider the plea offer extended by the
19 government;
- 20 3. The defendant wishes to investigate possible defenses prior to considering the
21 government's plea offer, which is made pursuant to a 'fast track' early disposition
22 program authorized by the Department of Justice pursuant to § 401(m) of the
23 Prosecuting Remedies and Tools Against the Exploitation of Children Today Act
24 of 2003 (PROTECT Act), Pub. L. 108-21, 117 Stat. 650 (Apr. 30, 2003);
- 25 4. The government's plea offer, if accepted by the defendant and then the court,
26 would likely reduce defendant's exposure to a significant term of imprisonment;
- 27 5. If the defendant does not timely accept the plea offer prior to indictment, the
28 government will withdraw said plea offer and any subsequent plea offer after
indictment would likely be less advantageous to the defendant;
6. Failure to extend time for indictment in this instance would thus operate to bar
defendant from reviewing the government's plea offer in a meaningful way prior
to indictment;

